

# Senate File 2313 - Reprinted

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO SF 2203)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to confidentiality of certain information on  
2 voter registration records and city and county public records  
3 for certain persons and including effective and applicability  
4 date provisions  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 SF 2313  
7 sc/cc/26

PAG LIN

1 1 Section 1. NEW SECTION. 22.7A CONFIDENTIALITY OF  
1 2 INFORMATION ON CERTAIN COUNTY PUBLIC RECORDS.  
1 3 1. Notwithstanding any provision to the contrary, a county  
1 4 shall not disclose the name of a person who has requested  
1 5 confidentiality under subsection 2 or who has received an  
1 6 order requiring confidentiality under subsection 3 with  
1 7 respect to public records posted on the county's website,  
1 8 posted on the website of any county officer, or supplied by  
1 9 any county officer for posting on another website.  
1 10 2. A person may request confidentiality by submitting a  
1 11 written request and a copy of a civil or criminal restraining  
1 12 order or order for protection, naming the person or a member  
1 13 of the person's household as plaintiff, to the county auditor.  
1 14 Upon receiving such a request, the county auditor shall notify  
1 15 the chairperson of the board of supervisors and each county  
1 16 officer charged with keeping or maintaining public records,  
1 17 and it shall be the duty of the county officers to not  
1 18 disclose the person's name as part of a public record as  
1 19 provided in subsection 1.  
1 20 3. In lieu of using the procedure in subsection 2, a  
1 21 person may file a petition in the district court of the county  
1 22 for an order requiring confidentiality. The person shall  
1 23 include in the petition an affidavit stating the reasons the  
1 24 person believes the person's life or safety or the life or  
1 25 safety of a member of the person's household is in danger and  
1 26 shall attach supporting documentation which may include but is  
1 27 not limited to:  
1 28 a. A statement or report from a law enforcement agency,  
1 29 medical professional, mental health professional, or domestic  
1 30 violence shelter.  
1 31 b. Witness statements regarding the incidents that cause  
1 32 the person to believe the person's life or safety or the life  
1 33 or safety of a member of the person's household is in danger.  
1 34 Upon good cause shown in the petition, affidavit, and  
2 1 supporting documentation that the person believes the person's  
2 2 life or safety or the life or safety of a member of the  
2 3 person's household is in danger, the court shall order that  
2 4 the person's name shall not be disclosed as part of a public  
2 5 record as provided in subsection 1. A copy of the order shall  
2 6 be mailed by the clerk of the district court to the county  
2 7 auditor. The county auditor shall forward a copy of the order  
2 8 to the chairperson of the board of supervisors and to each  
2 9 county officer charged with keeping or maintaining public  
2 10 records, and it shall be the duty of the county officers to  
2 11 not disclose the person's name as part of a public record as  
2 12 provided in subsection 1.  
2 12 Sec. 2. NEW SECTION. 22.7B CONFIDENTIALITY OF  
2 13 INFORMATION ON CERTAIN CITY PUBLIC RECORDS.  
2 14 1. Notwithstanding any provision to the contrary, a city  
2 15 shall not disclose the name of a person who has requested

2 16 confidentiality under subsection 2 or who has received an  
2 17 order requiring confidentiality under subsection 3 with  
2 18 respect to public records posted on the city's website, posted  
2 19 on the website of any city officer, or supplied by any city  
2 20 officer for posting on another website.

2 21 2. A person may request confidentiality by submitting a  
2 22 written request and a copy of a civil or criminal restraining  
2 23 order or order for protection, naming the person or a member  
2 24 of the person's household as plaintiff, to the city clerk.  
2 25 Upon receiving such a request, the city clerk shall notify the  
2 26 city council and each city officer charged with keeping or  
2 27 maintaining public records, and it shall be the duty of the  
2 28 city officers to not disclose the person's name as part of a  
2 29 public record as provided in subsection 1.

2 30 3. In lieu of using the procedure in subsection 2, a  
2 31 person may file a petition in the district court of the county  
2 32 for an order requiring confidentiality. The person shall  
2 33 include in the petition an affidavit stating the reasons the  
2 34 person believes the person's life or safety or the life or  
2 35 safety of a member of the person's household is in danger and  
3 1 shall attach supporting documentation which may include but is  
3 2 not limited to:

3 3 a. A statement or report from a law enforcement agency,  
3 4 medical professional, mental health professional, or domestic  
3 5 violence shelter.

3 6 b. Witness statements regarding the incidents that cause  
3 7 the person to believe the person's life or safety or the life  
3 8 or safety of a member of the person's household is in danger.

3 9 Upon good cause shown in the petition, affidavit, and  
3 10 supporting documentation that the person believes the person's  
3 11 life or safety or the life or safety of a member of the  
3 12 person's household is in danger, the court shall order that  
3 13 the person's name shall not be disclosed as part of a public  
3 14 record as provided in subsection 1. A copy of the order shall  
3 15 be mailed by the clerk of the district court to the city  
3 16 clerk. The city clerk shall forward a copy of the order to  
3 17 the city council and to each city officer charged  
3 18 with keeping or maintaining public records, and it shall be  
3 19 the duty of the city officers to not disclose the person's  
3 20 name as part of a public record as provided in subsection 1.

3 21 Sec. 3. Section 48A.34, Code 2005, is amended to read as  
3 22 follows:

3 23 48A.34 CONFIDENTIALITY OF INFORMATION ON CERTAIN RECORDS.

3 24 1. Voter registration records are available for public  
3 25 inspection at reasonable times at the office of the county  
3 26 commissioner. The commissioner and any voter registration  
3 27 agency which has custody of voter registration records shall  
3 28 take the necessary steps to ensure that the name of the agency  
3 29 at which the voter registration form was submitted remains  
3 30 confidential.

3 31 2. A person may request that the person's name not be  
3 32 disclosed on voter registration records by submitting a  
3 33 written request for confidentiality and a copy of a civil or  
3 34 criminal restraining order or order for protection, naming the  
3 35 person or a member of the person's household as plaintiff, to  
4 1 the county auditor of the county in which the person resides.  
4 2 Upon receiving such a request, the county auditor shall notify  
4 3 the state registrar of voters, and it shall be the duty of  
4 4 both the auditor and the state registrar of voters to not  
4 5 disclose the person's name on voter registration records.

4 6 3. In lieu of using the procedure in subsection 2, a  
4 7 person may file a petition in the district court of that  
4 8 person's county of residence for an order requiring that the  
4 9 person's name not be disclosed as part of voter registration  
4 10 records. The person shall include in the petition an  
4 11 affidavit stating the reasons the person believes the person's  
4 12 life or safety or the life or safety of a member of the  
4 13 person's household is in danger and shall attach supporting  
4 14 documentation which may include but is not limited to:

4 15 a. A statement or report from a law enforcement agency,  
4 16 medical professional, mental health professional, or domestic  
4 17 violence shelter.

4 18 b. Witness statements regarding the incidents that cause  
4 19 the person to believe the person's life or safety or the life  
4 20 or safety of a member of the person's household is in danger.

4 21 Upon good cause shown in the petition, affidavit, and  
4 22 supporting documentation that the person believes the person's  
4 23 life or safety or the life or safety of a member of the  
4 24 person's household is in danger, the court shall order that  
4 25 the person's name shall not be disclosed on voter registration  
4 26 records. A copy of the order shall be mailed by the clerk of

4 27 the district court to the state registrar of voters and to the  
4 28 county auditor of the county where the voter registration  
4 29 records are maintained. Upon receipt of the copy of the  
4 30 order, it shall be the duty of the county auditor and the  
4 31 state registrar of voters to not disclose the person's name as  
4 32 part of voter registration records.

4 33 4. For purposes of subsections 2 and 3, "voter  
4 34 registration record" means data on registration, participation  
4 35 in elections, and inclusion on voter registration lists.

5 1 Sec. 4. EFFECTIVE DATE. This Act, being deemed of  
5 2 immediate importance, takes effect upon enactment.  
5 3 Sec. 5. APPLICABILITY DATE. The section of this Act  
5 4 amending section 48A.34 first applies to voter registration  
5 5 records made available for public inspection and disbursement  
5 6 on or after January 1, 2007.  
5 7 SF 2313  
5 8 sc/cc/26